

Application Serial No. 10/537,733
Reply to Office Action of April 8, 2009

PATENT
Docket: CU-6562

REMARKS

In the Office Action, dated April 8, 2009, the Examiner states that Claims 1-21 are pending, Claims 5-8 are withdrawn, and Claims 1-4 and 9-21 are rejected. By the present Amendment, Applicant amends the claims and adds new Claims 22-34.

Rejections under 35 U.S.C. §102

Claims 1-4 and 15-20 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 5-186610. Applicant respectfully disagrees with and traverses this rejection.

At the outset, Applicant indicates that Claims 9-10, 12-13 and 15-21 have been cancelled without prejudice or disclaimer of the subject matter thereof, rendering the rejections of these claims moot.

Applicant respectfully asserts that the filler sheet for a solar cell module recited in Claim 1 (present invention) comprises a thermal stabilizer. The Office Action considers that JP 5-186610 (reference 1) discloses a thermal stabilizer in paragraph [0033]. However, paragraph [0033] mentions only the "various stabilizer" and no direct discussion regarding a thermal stabilizer is found therein. Accordingly, in this respect, Applicant respectfully asserts that reference 1 does not teach or suggest each and every feature of the present invention. As such, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. §102(b).

Rejections under 35 U.S.C. §103

Claims 9-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 5-186610 in view of JP 2001-320073. Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP 5-186610 in view of JP 2002-009309. Applicant respectfully disagrees with and traverses these rejections.

As previously mentioned, it is Applicant's position that paragraph [0033] of reference 1 mentions only the "various stabilizer" and no direct discussion regarding a thermal stabilizer is found therein. Accordingly, in this respect, Applicant respectfully asserts that reference 1 does not teach or suggest each and every feature of the present invention.

Further, JP 2001-320073 (reference 2) teaches many examples for various additives used in the adhesive sheet for a solar cell module (paragraphs [0068] – [00691]). However, no discussion regarding a thermal stabilizer is found therein. Also, regarding the thermal stabilizer recited in Claim 11 of the present application,

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the Office Action states that paragraph [0069] of reference 2 mentions a phosphorous type or phenol type compound. However, what Applicant considers is disclosed in paragraph [0069] is a phosphorous type or phenol type "antioxidant" and not a thermal stabilizer.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007).

In view of the aforementioned features of the rejected claims that are not taught or suggested in the prior art, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established. Accordingly, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

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Date

Respectfully submitted,



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